

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

RUTH A. EVERETT a/k/a RUTH A. BOWMAN,  Plaintiff  v.  UNITED OF OMAHA LIFE INSURANCE COMPANY,  Defendant	: : : : : : :	:  CIVIL ACTION NO. 3:11-0926    (JUDGE MANNION)      
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**ORDER**

In light of the memorandum issued this same day, **IT IS HEREBY ORDERED THAT:**

- (1) the defendant's objections to the report of the magistrate judge, (**Doc. No. [21](#)**), are **SUSTAINED** to the extent that the defendant argues that waiver was improperly applied in this action;
- (2) the court declines to adopt the report of the magistrate judge, (**Doc. No. [20](#)**) on this basis;
- (3) the defendant's motion for summary judgment, (**Doc. No. [8](#)**), is **GRANTED**; and

(4) the Clerk of Court is directed to enter summary judgment in favor of the defendant.

s/ *Malachy E. Mannion*  
**MALACHY E. MANNION**  
United States District Judge

**DATE: October 9, 2013**

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